

HON'BLE SRI JUSTICE N.BALAYOGI

CRIMINAL PETITION No.6588 of 2011

ORDER:

This criminal petition is filed by the petitioners, under Section 482 of Cr.P.C., seeking to quash the proceedings in C.C.No.12 of 2007, on the file of the IX Additional Chief Metropolitan Magistrate, Hyderabad.

2. Heard learned counsel for the petitioners and learned Public Prosecutor appearing for the 1st respondent. Perused the material available on record.

3. The contention of the petitioners is that none of the allegations attract the offences punishable under Sections 294 and 109 IPC. There is no complaint from the public and the place where the offence alleged to have taken place is not a public place. Hence, launching of prosecution and filing of charge sheet is clear abuse of process of Court in the absence of acceptability.

4. On the other hand, the learned Public Prosecutor for the respondent contended that there is a clear allegation that the petitioners are making female massagers to do body massage to the males by becoming nude and the place where the clinic is situated is a public place.

5. A perusal of the record goes to suggest that the allegations in the complaint and the findings of the Investigating Officer in the charge sheet are that A-1 is a Physiotherapist by profession and having knowledge in giving treatment in Ayurvedic as well as Kerala Panch Karma. He started the clinic at Baghlingampally initially, but as the customers were not attracted, he shifted the clinic to Ashok Nagar and

appointed A-2 & A-3 as massagers, who were abetted by him to do the massage to the male customers by becoming nude so that he can charge Rs.800/- from each customer for one hour and pay Rs.300/- to the accused woman and retain Rs.500/- alone. A-2 & A-3, who were in need of money had started giving massage to the male customers by becoming nude and attracting them in obscene acts and collecting Rs.300/- for each customer from A-1 beside their salary.

6. The above facts and circumstances clearly go to suggest that the Sub-Inspector of Police, on the strength of the reliable information that a massage center at Pr.No.1-1-298/A/1/B, situated at Street No.1, Ashok Nagar, Hyderabad, which is a public place in the name and style of "Kerala Ayurvedic Center", having cell phone Nos.9885032337 and 934626834 and allowing female massagers to do body massage to the males by becoming nude, raided and gave a complaint, basing on which a case is registered as Crime No.360 of 2006 for the offences punishable under Sections 294 and 109 IPC. The Investigating Officer filed the charge sheet. Hence, I find that no grounds are shown to say that there is abuse of process of Court.

7. In the result, the Criminal Petition is dismissed and the interim order, dated 30.08.2011, granted in Crl.P.M.P.No.6754 of 2011 stands vacated.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

N.BALAYOGI, J

Date: 13th October, 2017

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